

1 **Sean E. Brearcliffe, Judge**
2 **Dean Christoffel, Commissioner**
3 **T. Kenneth Sanders, Commissioner**
4 **Lee Roads, Hearing Officer**
5 **ARIZONA SUPERIOR COURT**
6 **IN PIMA COUNTY**
7 **110 W. Congress St.**
8 **Tucson, Arizona 85701**
9 **(520) 724-3029**

10 **THE SUPREME COURT OF THE STATE OF ARIZONA**

11
12 **PETITION TO AMEND RULE 12,**
13 **ARIZONA RULES OF FAMILY**
14 **LAW PROCEDURE**

15 **} Supreme Court No. R-13-0054**

16 **} COMMENT IN SUPPORT OF**
17 **PETITION**

18 The undersigned judicial officers serve on the Family Law Bench of the
19 Arizona Superior Court in Pima County. Pursuant to Rule 28(D), Rules of the
20 Supreme Court of Arizona, we submit this Comment in support of the Petition to
21 amend Rule 12, Arizona Rules of Family Law Procedure.

22
23 The proposed amendment to Rule 12 does limit to a certain degree the
24 flexibility enjoyed under the existing rule that allows for interviews of minor
25 children to be conducted “off the record” by stipulation. The proposed rule change
26 will require going forward that, whether by audio recording or court reporter
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1 transcript, a memorialization of the interview will exist. What the proposed
2 amendment takes away from the court and parties, it returns to the process in
3 transparency. Given the impact interviews of minors can have on legal decision-
4 making and parenting time decisions, and the serious consequences to families that
5 result, there seems little reason not to have the record of the interview potentially
6 wholly unavailable to the parties. Though the proposed rule requires that the
7 record of the interview be made available to the parties not less than 14 days prior
8 to the hearing at which the interview may be considered by the court, the proposed
9 rule still allows the court to determine how the record will be made available. That
10 is, the court may, for example, where cause exists, allow the parties only to review
11 the record (or listen to the audio recording of the record) at the courthouse, in
12 counsel's office, or at the Conciliation Court offices.

13
14 On the whole, the proposed changes balance the right of the parents to have
15 access to potentially pivotal facts affecting their access to their children, and the
16 ability of the Court to continue to benefit from first-hand testimony of minors
17 affected by its decisions.

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19 Respectfully submitted this 20th day of May, 2014.

20
21 /s Sean E. Brearcliffe

22
23 /s Dean C. Christoffel

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25 _____
26 Sean E. Brearcliffe, Judge
27 Arizona Superior Court in
28 Pima County

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25 _____
26 Dean C. Christoffel, Commissioner
27 Arizona Superior Court in
28 Pima County

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2 /s T. Kenneth Sanders

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4 T. Kenneth Sanders, Commissioner
5 Arizona Superior Court in
6 Pima County
7

/s Lee Ann Roads

Lee Ann Roads, Hearing Officer
Arizona Superior Court in
Pima County

8 Electronic copy filed with the Clerk
9 of the Supreme Court of Arizona
10 this 20th day of May, 2014.

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12 Copy of the foregoing sent by
13 Electronic mail this 20th day
14 of May, 2014, to:

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